UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAY PATTON,	)		
	)		
Plaintiff,	)		
	)		
v.	)	No.:	3:07-cv-456
	)		(VARLAN/GUYTON)
ROSCOE BYRD, et al.,	)		
	)		
Defendants.	)		

MEMORANDUM AND ORDER

This is a *pro se* prisoner's civil rights action. On March 21, 2011, the court granted the defendants' motion for summary judgment and dismissed the case. The court certified that any appeal would not be taken in good faith and would be totally frivolous. Plaintiff has now filed a notice of appeal.

Under the Prison Litigation Reform Act of 1995, a prisoner who wishes to appeal an order or judgment of a district court must tender the full filing fee *or* he must file (1) a motion to proceed *in forma pauperis* without prepayment of fees, (2) a certified copy of his inmate trust account for the previous six-month period, *and* (3) an affidavit that states the nature of the appeal, the issues to be presented on appeal, and the affiant's belief that he is entitled to redress, and includes a statement of all assets the prisoner possesses and that the prisoner is unable to pay the costs of an appeal because of his poverty. 28 U.S.C. § 1915(a)(2).

Plaintiff has not paid the $455.00 filing fee for an appeal nor has he submitted the required documents for pauper status on appeal. Plaintiff shall have thirty (30) days from the date of this Order to pay the full filing fee or to submit the necessary documents. The Clerk is **DIRECTED** to send plaintiff an application to proceed *in forma pauperis*. Plaintiff is hereby **NOTIFIED** that if he fails to fully comply with this Order within the time required, the court of appeals may dismiss the appeal for want of prosecution and this court shall assess the full amount of fees.

The Clerk is **DIRECTED** to send a copy of this Order to the Clerk of the Court of Appeals for the Sixth Circuit and to notify the Clerk of the Sixth Circuit whether plaintiff complies with this Order within the time allowed.

E N T E R :

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

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